

the said article, and for the further reason that a valuable constituent, butterfat, had been abstracted from the article.

Misbranding was alleged with respect to a portion of the product for the reason that the article was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 28, 1923, Swift & Co. having appeared as claimant for the property and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$3,610, in conformity with section 10 of the act, conditioned in part that the product be made to conform with the provisions of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11760. Misbranding of Oxidaze tablets. U. S. v. American Oxidaze Co., a Corporation. Case ordered placed on file. (F. & D. No. 7707. I. S. No. 1610-1.)**

On February 1, 1917, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the American Oxidaze Co., a corporation, Worcester, Mass., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about September 10, 1915, from the State of Massachusetts into the State of Pennsylvania, of a quantity of Oxidaze tablets which were misbranded. The article was labeled in part: (Carton) "\$1.00 Size Oxidaze Tablets Prepared For American Oxidaze Company, Worcester, Mass."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the tablets contained essentially cinnamon oil, sassafras oil, camphor, menthol, methyl salicylate, potassium iodide, starch, sugar, and talc.

Misbranding of the article was alleged in substance in the information for the reason that certain statements, designs, and devices regarding the therapeutic effects of the said article, included in the circular or pamphlet accompanying the article, falsely and fraudulently represented it to be effective for the cure of catarrh and tuberculosis, effective as a cure and preventive of pneumonia, and effective as a remedy for hay fever, when, in truth and in fact, it was not.

On November 17, 1922, the case having come on for final disposition, it was ordered by the court that the case be placed on file.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11761. Adulteration and misbranding of oil of sweet birch and wintergreen oil. U. S. v. Adolphus A. Winters. Plea of guilty. Fine, \$25. (F. & D. No. 14546. I. S. Nos. 540-r, 541-r.)**

On July 2, 1921, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Adolphus A. Winters, Newland, N. C., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about December 30, 1919, from the State of North Carolina into the State of New York, of quantities of oil of sweet birch and wintergreen oil which were adulterated and misbranded. The articles were labeled in part, respectively: "Oil distilled from Birch bark and small bush — D. A. Winters Montezuma, N. C.;" "Oil distilled from Wintergreen leaves. D. A. Winters Montezuma, N. C."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that they contained synthetic methyl salicylate and that they were not true oils of wintergreen or birch, as the case might be.

Adulteration of the articles considered as drugs was alleged in the information for the reason that they were sold under and by names recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia, official at the time of investigation, in that the said Pharmacopœia provides that oil of sweet birch, to wit, birch oil, be obtained wholly from *Betula lenta* and that oil of wintergreen be obtained wholly by distillation from *Gaultheria procumbens*, whereas the said articles were mixtures composed